

109TH CONGRESS
2D SESSION

H. R. 5731

To amend the Fair Labor Standards Act to provide for the calculation of the minimum wage based on the Federal poverty guidelines published by the Department of Health and Human Services.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2006

Mr. AL GREEN of Texas (for himself, Mr. WATT, Mr. HONDA, Mrs. NAPOLITANO, Mr. GEORGE MILLER of California, Mr. PASTOR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BACA, Mr. REYES, Mr. BECERRA, Mr. ORTIZ, Mr. SCOTT of Georgia, Mr. WYNN, Ms. ROYBAL-ALLARD, Ms. LEE, Mr. HASTINGS of Florida, Ms. MILLENDER-MCDONALD, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Mr. DAVIS of Illinois, Mr. MEEKS of New York, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. CLAY, Mr. TOWNS, Ms. CORRINE BROWN of Florida, Ms. KILPATRICK of Michigan, Mr. OWENS, Ms. LORETTA SANCHEZ of California, Mr. CLEAVER, Ms. LINDA T. SÁNCHEZ of California, Ms. SOLIS, Mr. HINOJOSA, Mr. GONZALEZ, Ms. WATSON, Mr. CARDOZA, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. SERRANO, Mr. THOMPSON of Mississippi, Mrs. JONES of Ohio, Ms. MCKINNEY, Mr. DAVIS of Alabama, Mr. RANGEL, Mr. CONYERS, and Mr. CLYBURN) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Fair Labor Standards Act to provide for the calculation of the minimum wage based on the Federal poverty guidelines published by the Department of Health and Human Services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Living American Wage
5 (LAW) Act of 2006”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) the Federal minimum wage should, as a
9 minimum, be adjusted every 4 years so that a person
10 working for such a wage may earn an annual income
11 that is not less than 112 percent of the Federal pov-
12 erty threshold, as determined by the Census Bureau;
13 and

14 (2) Congress or any of the several States may
15 establish a higher minimum wage requirement than
16 that established in this Act.

17 **SEC. 3. MINIMUM WAGE.**

18 Section 6 of the Fair Labor Standards Act of 1938
19 is amended—

20 (1) by amending subsection (a)(1) to read as
21 follows:

22 “(1) except as otherwise provided in this sec-
23 tion, not less than \$5.15 an hour beginning Sep-
24 tember 1, 1997, and not less than the amount deter-

1 mined by the Secretary under subsection (b) begin-
2 ning January 1, 2007;” and

3 (2) by redesignating subsection (b) as sub-
4 section (c) and inserting after subsection (a) the fol-
5 lowing:

6 “(b)(1) Not later than September 1, 2006, and once
7 every 4 years thereafter, the Secretary shall determine the
8 minimum wage rate applicable under subsection (a)(1)
9 based on the formula described in paragraph (2). The Sec-
10 retary shall publish such wage rate in the Federal Register
11 not later than October 1 of each year. If such determina-
12 tion results in a lower minimum wage than that then in
13 effect, the Secretary shall not adjust the minimum wage
14 then in effect pursuant to this subsection.

15 “(2) The minimum wage rate determined by the Sec-
16 retary under paragraph (1) shall be the minimum hourly
17 wage sufficient for a person working for such wage 40
18 hours per week, 52 weeks per year, to earn an annual in-
19 come in an amount that is 12 percent higher than the
20 Federal poverty threshold for a two person household,
21 with one person a child under age 18, and living in the
22 48 contiguous States, as published for each such year by
23 the Census Bureau.”.

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